

**DETAILED ACTION**

1. Claims 1-24 are pending in this application.

***Claim Objections***

2. Claim 9 is objected to because of the following informalities:

- a. Claim 9, line 1: "to" should be omitted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim cites "input by one or more" in line 2, the claim fails to identify what input causes the value of currency units associated with media files to change.

***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-7 and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Walsh et al., US 6,965,770 (hereinafter Walsh).

For claim 1, Walsh discloses:

A method of activating digital media on a network (Abstract) comprising:

allowing each user connected to the network to add digital media files to a media gaming queue accessible to each user of the network (col. 4 lines 54-56, DCDS server allows users of mobile devices to make song requests that are added to play list);

providing a visual indication of a sequence of the digital media files in the media gaming queue (col. 4, lines 57-60, DCDS server provides display of play list and current song playing);

allowing each user to add currency units to one or more selected digital media files in the queue (col. 10, lines 6-8);

altering the sequence of the digital media files in the queue based on the respective currency units associated with each digital media file in the queue

(col. 11, lines 2-9); and

activating a digital media player to play the digital media files in sequence from queue (col. 4, lines 57-58, songs played through speakers 109).

For claim 2, Walsh discloses:

The system of claim 1 wherein a media file with a first value of currency units associated with it is sequenced in the queue ahead of a media file having a lesser value of currency units associated with it (col. 11, lines 2-9, disclosure that the more a user bids/pays for a song, the higher its play priority).

For claim 3, Walsh discloses:

A system to control the order of activating digital media files (Abstract)  
comprising:

a repository to store local content of digital media files (col. 6, lines 56-59, DCDS server contains local music database 319);

a client/server to browse the local content coupled to the repository (col. 5, lines 7-9, DCDCS sends song list to client 111);

a local wireless network coupled to the client/server (col. 3, lines 32-35); and

a digital media player coupled to the repository to play activated digital media files in sequence from a media gaming queue wherein the sequence of the media files in the media gaming queue is determined by users of the system (col.

6, lines 19-24, after user selects song it is added to queue as determined by play list algorithm).

For claim 5, Walsh discloses:

The system of claim 3 further comprising means to enable a user to associate currency units with one or more media files in the queue (col. 11, lines 2-9, disclosure that user may bid on more than one song for placement in queue).

For claim 6, Walsh discloses:

The system of claim 5 wherein the sequence of the media files in the gaming queue is determined by a respective value of currency units associated with each media file (col. 11, lines 2-9).

For claim 7, Walsh discloses:

The system of claim 6 wherein a media file with a first value of currency units associated with it is sequenced in the queue ahead of a media file having a lesser value of currency units associated with it (col. 11, lines 2-9).

For claim 10, Walsh discloses:

A method comprising:

receiving media files for entry into a media gaming queue (col. 4 lines 54-56);

allowing users to associate currency units with a respective media file (col. 10,

lines 6-8);

sequencing the media files in the media gaming queue, the sequence being determined by a respective value of currency units associated with each media file (col. 11, lines 2-9); and

playing the media file on a media player in the sequence from the media gaming queue (col. 4, lines 57-58).

For claim 11, Walsh discloses:

The system of claim 10 wherein a media file with a first value of currency units associated with it is sequenced in the queue ahead of a media file having a lesser value of currency units associated with it (col. 11, lines 2-9, disclosure that sequencing of queue determined by value of currency associated with media files).

For claim 12, Walsh discloses:

A method comprising:

coupling one or more users' device to a media player over a wireless network for playing media files in sequence from a media gaming queue in a space (col. 4, lines 32-35);

adding one or more media files from a local media repository to the media gaming queue (col. 4, lines 54-56); and

altering the sequence of the media files in the media gaming queue based on

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currency units associated with one or more selected media files (col. 11, lines 2-9).

For claim 13, Walsh discloses:

The method of claim 12 wherein a value of currency units associated with one of the media files is altered in response to input by one or more (col. 11, lines 14-16 and 22-25, disclosure that DCDS will modify rank of song in queue based on tally of users' interest for and against song).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh, as applied to claims 3, 12 and 13, in view of Postrel, US 6,594,640, (hereinafter Postrel).

For claim 4, Walsh discloses:

"The system of claim 3"

Walsh does not disclose "further comprising an account server coupled to the network to associate currency units with a user's stored-value account."

However, Postrel discloses a system for facilitating e-commerce that allows merchants and consumers to conduct transactions utilizing "points" (col. 6, lines 25-30, disclosure of merchant computer obtaining reward points to facilitate transaction; col. 10, lines 15-17, disclosure of user purchasing points for cash consideration; col. 8, lines 45-50, disclosure of rewards server maintaining database of account information). Walsh and Postrel are analogous art because both are from the field of facilitating electronic commerce.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh with the teachings of Postrel, an e-commerce transaction system that utilizes quasi-cash, i.e. "points", because this modification allows users to interact with the public-space media server using pre-stored cash-value, thus facilitating greater ease of use with system.

For claim 14, Walsh discloses:

"The method of claim 13"

Walsh does not disclose "wherein the currency units are representative of a stored-value associated with each respective user."

However, Postrel discloses a system for facilitating e-commerce that allows merchants and consumers to conduct transactions utilizing "points" (col. 6, lines 25-30, disclosure of merchant computer obtaining reward points to facilitate transaction; col.

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10, lines 15-17, disclosure of user purchasing points for cash consideration). Walsh and Postrel are analogous art because both are from the field of facilitating electronic commerce.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh with the teachings of Postrel, an e-commerce transaction system that utilizes quasi-cash, i.e. "points", because this modification allows users to interact with the public-space media server using pre-stored cash-value, thus facilitating greater ease of use with system.

For claim 15, the combination of Walsh and Postrel discloses:

The method of claim 14 wherein the respective user can increase the stored-value associated with the respective user (Postrel, col. 10, lines 15-17).

For claim 16, the combination of Walsh and Postrel discloses:

The method of claim 15 wherein the respective stored-value is increased by adding stored-value from a credit card account (Postrel, col. 10, lines 1-8 and 15-17).

9. Claims 9, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Atkinson, US 2001/0039571, (hereinafter Atkinson).

For claim 9, Walsh, discloses:



receiving user account verification over the network (Walsh, col. 10, lines 16-18). Walsh does not disclose wherein the repository receives content updates over the network. However, Atkinson discloses the repository receives content updates (Atkinson, [0033], lines 6-9, LMM 200 retrieves content from both external and internal sources via module 218).

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh with the teachings of Atkinson, receiving content updates, because content updating allows for users to purchase products/media that are promoted with public spaces, i.e. songs currently playing on speakers within facility ( Atkinson, [0003], lines 24-28).

For claim 18, Walsh discloses:

A method comprising:

allowing one or more users connected to the wireless local area network to select one or more media files from the local media repository for addition to a media gaming queue (Walsh, col. 6, lines 19-21); and  
allowing one or more users to associate currency units with a respective media file in the media gaming queue (Walsh, col. 10, lines 6-8).

Walsh does not disclose the limitation:

"receiving media content updates for storage in a local media repository coupled to a wireless local area network from a central media server."

However, Atkinson discloses a public-space media system that receives content from a variety of sources for storage in its local repository (Atkinson, [0033], lines 6-9 and [0038], lines 1-4 and 12-14, disclosure of system receiving media content data from variety of sources through variety of means, including internet). Walsh and Atkinson are analogous art because both are from the field of digital media content delivery and playback services provided by a system in public spaces.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh with the teachings of Atkinson, a media content playback system for public spaces which includes the ability for the system to download content updates from external sources, because this modification allows the system to readily update its media holdings.

For claim 19, the combination of Walsh and Atkinson discloses:

The system of claim 18 comprising altering the sequence of the media files in the media gaming queue based on the currency units associated with the respective media file (Walsh, col. 11, lines 2-9).

For claim 20, the combination of Walsh and Atkinson discloses:

The system of claim 19 wherein a media file with a first value of currency units associated with it is sequenced in the queue ahead of a media file having a lesser value of currency units associated with it (Walsh, col. 11, lines 2-9).

10. Claims 8 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh, as applied to claims 3 in view of Atkinson as applied to claim 18, and further in view of Postrel.

For claim 8, Walsh discloses:

"The system of claim 3"

Walsh does not disclose the limitations:

"a retail server coupled to the network to enable the user to download media files to a user's computer;

a shopping cart server associated with the retail server to collect user requested downloads;

an authorization system to enable payment from the user's stored-value account or from a credit card"

However, Atkinson discloses a system for facilitating e-commerce within a public space that allows personal digital assistants to download media ([0043], lines 22-24) purchased from a server within the public space ([0052], lines 22-25, shopping cart inherent in disclosure and well-known in the art of e-commerce). Walsh and Atkinson are analogous art because both are from the field of digital media content delivery and playback services provided by a system in public spaces.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh with the teachings of Atkinson, a media content playback system for public spaces which includes the ability for individual users to purchase

content for playback on their personal devices, because this modification allows for users to purchase products/media that are promoted with public spaces, i.e. songs currently playing on speakers within facility ( Atkinson, [0003], lines 24-28).

The combination of Walsh and Atkinson does not disclose "an authorization system to enable payment from the user's stored-value account or from a credit card"

However, Postrel discloses a system for facilitating e-commerce that allows merchants and consumers to conduct transactions utilizing "points" (col. 6, lines 25-30, disclosure of merchant computer obtaining reward points to facilitate transaction; col. 10, lines 15-17, disclosure of user purchasing points for cash consideration). Walsh, Atkinson and Postrel are analogous art because both are from the field of facilitating electronic commerce.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh and Atkinson with Postrel, an e-commerce transaction system that utilizes quasi-cash, i.e. "points", because this modification allows users to interact with the public-space media server using pre-stored cash-value, thus facilitating greater ease of use with system.

For claim 21, the combination of Walsh and Atkinson discloses:

"The method of claim 18"

The combination of Walsh and Atkinson does not disclose "wherein the currency units are representative of a stored-value associated with each respective user." Walsh

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and Atkinson are analogous art and the rationale for their combination is contained in the rejection for claim 8.

However, Postrel discloses a system for facilitating e-commerce that allows merchants and consumers to conduct transactions utilizing "points" (col. 6, lines 25-30, disclosure of merchant computer obtaining reward points to facilitate transaction; col. 10, lines 15-17, disclosure of user purchasing points for cash consideration). Walsh, Atkinson and Postrel are analogous art because both are from the field of facilitating electronic commerce.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh and Atkinson with the teachings of Postrel, an e-commerce transaction system that utilizes quasi-cash, i.e. "points", because this modification allows users to interact with the public-space media server using pre-stored cash-value, thus facilitating greater ease of use with system.

For claim 22, the combination of Walsh, Atkinson and Postrel discloses:

The method of claim 21 wherein the user can increase the respective stored-value (Postrel, col. 10, lines 15-17).

For claim 23, the combination of Walsh, Atkinson and Postrel discloses:

The method of claim 22 wherein the respective stored-value is increased by adding stored-value from a credit card account (Postrel, col. 10, lines 1-8).

11. Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh, as applied to claims 12-15, 18, 21 and 22, in view of Postrel, and further in view of Ng, US 6,405,175 .

For claim 17, the combination of Walsh and Postrel discloses:

"The method of claim 15".

Walsh and Postrel are analogous art the rationale for their combination can be found in the rejection for claim 14. The combination of Walsh and Postrel does not disclose "wherein the respective stored-value is increased in relation to the number of media files added to the media gaming queue by a respective user that are played on the media player".

However, Ng discloses a system that rewards a user for supplying updated information to a database, and when other users express interest in this updated information, the first user is rewarded in proportion to interest expressed by others. (col. 5, lines 55-58, disclosure that user has account with system that tracks rewards; col. 5, lines 62-65, when other users access or use that information, the first user is rewarded with points). Walsh, Postrel and Ng are analogous art because all are from the field of facilitating electronic commerce.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh and Postrel with the teachings of Ng, an e-commerce transaction system that rewards users with "points" based on interest generated in others by information provided by a first user, because this modification rewards users

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for supplying data/suggesting a song selection that others find helpful or otherwise express an interest.

For claim 24, the combination of Walsh and Postrel discloses:

"The method of claim 22"

Walsh and Postrel are analogous art the rationale for their combination can be found in the rejection for claim 14. The combination of Walsh and Postrel does not disclose "wherein the respective stored-value is increased in relation to the number of media files added to the media gaming queue by a respective user that are played on the media player".

However, Ng discloses a system that rewards a user for supplying updated information to a database, and when other users express interest in this updated information, the first user is rewarded in proportion to interest expressed by others. (col. 5, lines 55-58, disclosure that user has account with system that tracks rewards; col. 5, lines 62-65, when other users access or use that information, the first user is rewarded with points). Walsh, Postrel and Ng are analogous art because all are from the field of facilitating electronic commerce.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Walsh and Postrel with the teachings of Ng, an e-commerce transaction system that rewards users with "points" based on interest generated in others by information provided by a first user, because this modification rewards users

for supplying data/suggesting a song selection that others find helpful or otherwise express an interest.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLAYTON WILLIAMS whose telephone number is (571)270-3801. The examiner can normally be reached on M-F (8 a.m. - 5 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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